

**HAMPTON ZONING BOARD OF ADJUSTMENT
MINUTES
December 20, 2012**

Members Present

Bill O'Brien, Chairman
Vic Lessard
Jack Lessard (Alternate)
Tom McGuirk
Bryan Provencal
Ed St. Pierre

Others Present

Kevin Schultz, Building Inspector
Joan Rice, Secretary

Chairman O'Brien called the meeting to order at 7:00 p.m.

Board members were introduced.

The Pledge of Allegiance was said.

PETITION SESSION

52-12...The petition of Joan DeVittori for property located at 903 Ocean Blvd. seeking relief from Article 1.3 and Article IV as to 4.5.1 Frontage Setback to construct a second story deck (23' x 5') on the front of the house, on top of existing roof of first floor porch entry. This property is located on Map 168, Lot 045 and in a RA Zone.

Joan DeVittori came forward. She said she would like to construct a second-story deck on the front of her house. This would be on the existing first floor footprint. This deck would not interfere with any of the neighbors' views. This deck would upgrade and enhance the property. Ms. DeVittori went through the five criteria and said she felt they had been met.

Questions from the Board

Mr. St. Pierre said the petitioner did not ask for a variance for side setbacks and therefore, the Board could not grant this petition. Mr. St. Pierre said the petitioner could withdraw without prejudice or come back for side setbacks with a new application. Chairman O'Brien indicated that during his review he had also noted that 4.5.2 (side setback) relief was required or the deck shortened.

Comments from the Audience

There were no comments from the Audience.

Back to the Board

Mr. McGuirk said a great deal of the work on the project could be done now if the petition was granted without relief from the side setbacks and Ms. DeVittori could come back next month for the side setback variance. Chairman O'Brien noted that the submittal for the side setback variance would have to be made by noon on December 24th in order to appear at next month's meeting.

Mr. St. Pierre said the best thing for the petitioner to do was to postpone for a month and come back with a corrected application. Ms. DeVittori agreed to do this.

Moved by Mr. Provencal and seconded by Mr. St. Pierre, to continue Petition 52-12 until next month at which time the petition will be corrected and re-noticed.

Vote: 5 yes, 0 no. Motion passed unanimously.

53-12...The petition of Big Bernie Property Management, LLC for property located at 73 Ocean Blvd. seeking relief from Article 1.3 and Article IV as to 4.5.2 to extend a portion of the second floor deck into the side setback for additional seating. This property is located on Map 293, Lot 61, and in a BS Zone.

At this time Mr. V. Lessard and Mr. Provencal stepped down from the Board and Mr. J. Lessard stepped up. Mr. McGuirk said he traditionally steps down on applications like this. He said he did not have any direct conflict, but his business is in the same industry and neighborhood. Due to the need for a quorum, Mr. McGuirk said he would not step down.

Al Fleury, Henry Boyd, Millenium Engineering, and Attorney Peter Saari, Casassa & Ryan, came forward. Attorney Saari said they want to extend a portion of the second floor deck into the side setback for additional seating. The idea is to cantilever the deck over the existing first floor. Attorney Saari went through the five criteria and said he felt they had been met.

Questions from the Board

Mr. St. Pierre asked if the project was more than four feet away from the lot line in the front. Mr. Boyd said yes. They are at six feet. Mr. St. Pierre asked what would happen with the kitchen vents. Mr. Fleury said they will be moved.

Chairman O'Brien asked about the storage sheds. He said the three proposed sketches show no storage sheds. Mr. Fleury said they will remain. Chairman O'Brien asked if the kitchen roof would be raised and be flat as shown in the three proposed diagrams. Mr. Fleury said that was correct. Chairman O'Brien stated that is an issue since the kitchen

is on town property and the roof cannot be raised without approval via a town warrant. Mr. Fleury replied that nothing on town property will be changed and the sketches are incorrect. Chairman O'Brien then commented that the sketches indicate that the deck will be over the kitchen area. Mr. Fleury said to ignore the sketches.

Chairman O'Brien said the sign disappears according to the plot plan. Mr. Fleury said the sign will not be removed. Chairman O'Brien reminded the petitioner that a variance is needed for a sign that changes copy more than 8 times a day ... this electronic sign changes at two second intervals. Chairman O'Brien then expressed frustration with the inaccuracies in the three proposed sketches and plot plan.

Comments from the Audience

There were no comments from the Audience.

Back to the Board

Chairman O'Brien said he had no problem with the concept but was reluctant to proceed without re-submittal of the three sketches (elevation plans) and plot plan so as to reflect the applicant's real intentions.

Moved by Mr. St. Pierre and seconded by Mr. J. Lessard, to grant Petition 53-12 providing all drawings and the plot plan are corrected and there is a zero lot line on L Street and there is no incursion towards Ocean Blvd.

Chairman O'Brien asked the Board if they felt the five criteria had been met. All agreed they had with the exception of Chairman O'Brien who said the spirit of the ordinance had not been met because of the confusion of incorrect sketches and incorrect plot plan.

Chairman O'Brien said he would approve if the sketches and the plot plan were corrected to reflect the discussion and he is able to review them when submitted to the Building Inspector's office. Mr. St. Pierre amended his motion to include the Chairman's review.

Vote: 3 yes, 0 no, 1 abstention (McGuirk). Motion passed.

At this time Mr. V. Lessard and Mr. Provencal stepped up to the Board and Mr. J. Lessard stepped down from the Board.

54-12...The petition of Robert & Mary Solomon for property located at 16 Nor'east Lane seeking relief from Article 1, Section 1.3 Expansion of a non-conforming structure and Article IV Section 4.5.1 Front Setback to renovate an existing single family residence (1) Rebuild an existing deck at west elevation (2) Rebuild an existing second story (as per

plan) above an existing building footprint. This property is located on Map 099, Lot 007 and in a RA Zone.

Robert Solomon, Bob Gray, Gray Construction, and Henry Boyd, Millenium Engineering, came forward. Mr. Gray said the petitioner is trying to redesign the home and make it much more attractive, more code compliant and all FEMA regulations would be met. Everything will be within the existing footprint. Mr. Gray went through the five criteria and said he felt they had been met.

Questions from the Board

Chairman O'Brien said a variance for 4.5.2 would be needed because the side lot line setback (10 feet) at the second floor level is not met on north and south sides of the structure. Mr. Provencal and Mr. Schultz said the second floor could be pulled in, but there could be structural problems.

The petitioner said he would come back for a variance for 4.5.2. Mr. Schultz said revised drawings of the second floor and measurements to property lines would be needed.

Chairman O'Brien noted that during the applicant's presentation it was indicated that stairs would provide access to the front deck. No stairs are indicated on the plot plan and if they are included they must also meet the 10 foot side setback.

Comments from the Audience

There were no comments from the Audience.

Back to the Board

Moved by Mr. Provencal and seconded by Mr. McGuirk, to approve Petition 54-12 with corrected plot plans and no relief to side setbacks.

Chairman O'Brien asked the Board if they felt the five criteria had been met. All members agreed that they had.

Vote: 5 yes, 0 no. Motion passed unanimously.

55-12...The petition of William Reddy for property located at 27 Hobson Avenue seeking relief from Article 1.3 and Article IV as to 4.5.1 and 4.5.2 to add a dormer to give more headroom in the proposed bedrooms, 18' is the length of the dormer. This property is located on Map 290, Lot 036 and in a RB Zone.

William Reddy came forward. He said he had just purchased this property and wants to add a dormer that will mirror an existing dormer. This would give more headroom in the bedrooms. Mr. Reddy went through the five criteria and said he felt they had been met.

Questions from the Board

Mr. St. Pierre asked how far from the lot line the proposed dormer would be. Mr. Reddy replied that it would be 5.8 feet from the lot line.

Comments from the Audience

Mr. John Cross, 31 Hobson Avenue, came forward. Mr. Cross said he is an abutter to the property. Mr. Cross said he opposed this petition because he had concerns about security, safety and privacy. Construction on this property could potentially put him in danger of civil action in the event of an accident. Ice falling could damage his vehicles. The two buildings are wood structures and with the close proximity fire could be a problem. Parking problems and overcrowding are also a possibility. The proposed dormer will also allow observation of his two granddaughters' rooms. Mr. Reddy replied that there will be no windows in the proposed dormer.

Back to the Board

Mr. St. Pierre said the property looks strange with only one dormer. Mr. St. Pierre also said the plot plan did not look accurate. Mr. V. Lessard and Mr. McGuirk said they are not in favor of this project. Mr. St. Pierre said he supported the right of property owners to work within their footprint and felt this is reasonable. Chairman O'Brien asked if the new foundation encroached on town property. It was agreed that it did encroach; however, a permit had been issued.

Moved by Mr. Provencal and seconded by Mr. St. Pierre, to approve Petition 55-12 with the stipulation that there be no windows on the west side.

Chairman O'Brien asked the Board if they felt the five criteria had been met. Chairman O'Brien, Mr. Provencal and Mr. St. Pierre said that they had. Mr. V. Lessard and Mr. McGuirk said that they had not.

Vote: 3 yes, 2 no (V. Lessard, McGuirk). Motion passed.

BUSINESS SESSION

Adoption of Minutes

Moved by Mr. St. Pierre and seconded by Mr. Provencal, to approve the Minutes of November 15, 2012.

Vote: 4 yes, 0 no, 1 abstention (McGuirk). Motion passed.

Adjournment

Moved by Mr. McGuirk and seconded by Mr. V. Lessard, to adjourn the meeting at 9:40 p.m.

Vote: 5 yes, 0 no. Motion passed unanimously.

Respectfully submitted,

Joan Rice
Secretary